IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1959 OF 2006
IN
CIVIL APPLICATION NO.2108 OF 2005
IN
WRIT PETITION NO.650 OF 2003

Shri Prakash Dinkar Toraskar & Ors. ... Applicants

Vs.

Kolhapur Municipal Corpn. & Ors. ... Respondents

Mr. A.V. Anthurkar for the applicants.

Mr. V.D. Borwankar for respondents 1, 5 and 6.

Mr. R.M. Pethe i/b Mr. R.G. Ketkar for respondent 2.

CORAM : SMT. RANJANA DESAI &
SMT. V.K. TAHILRAMANI, JJ.

DATED : 21ST AUGUST, 2006.

P.C.:-

Heard learned counsel for the parties.

Mr. Anthurkar, the learned counsel for the applicants states that the applicants have made out a strong case for restoration of Civil Application No.2108 of 2005 and, hence, this civil application may be made absolute.

Mr. Borwankar, the learned counsel for respondents 1, 5 and 6 opposes restoration of Civil Application No.2108 of 2005. He says that the writ petition itself has become infructuous and there is no point in restoring Civil Application No.2108 of 2005.

In the circumstances of the case and in the interest of justice, in our opinion, for the reasons stated in the civil application, Civil Application No.2108 of 2005, deserves to be restored to the file. Whether writ petition has become infructuous or not can be decided when it is finally heard. Hence, the order dated 23/6/2006 is set aside. Civil Application No.2108 of 2005 is restored to the file. The said civil application be heard along with the main petition.

Civil Application No.1959 of 2006 is disposed of.

[SMT. RANJANA DESAI, J.]

[SMT. V.K. TAHILRAMANI, J.]